

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Swartz *et al.*
Serial No. : 10/731,552
Filed : December 8, 2004
For : "METHOD AND APPARATUS FOR POST-EXPOSURE
DETERMINATION OF IONIZING RADIATION DOSE"
Examiner : unknown
Group Art Unit : unknown
Attorney's Docket No. : RRI-001

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Box 1450, Mail Stop: Missing Parts, Alexandria, Virginia 22313-1450 on: August 10, 2004.

Attorney for applicants:

Signature:

Date:

REQUEST FOR ENTRY OF SECOND SUBSTITUTE DOCUMENTS

Commissioner for Patents
Box 1450
Mail Stop: Missing Parts
Alexandria, Virginia 22313-1450

Dear Sir:

In accompaniment with the enclosed Reply to the Notice Of
Incomplete Reply (nonProvisional) mailed July 30, 2004 as well as the Notice
To File Corrected Application Papers, Filing Date Granted mailed March 11,

2004, and now extended through August 11, 2004, applicants' undersigned attorney respectfully requests that the enclosed substitute document, the second complete Replacement Drawing, now be entered in and be made officially of record for the above-identified application. Accordingly, this substitute document, after being entered and properly recorded, shall be transferred from the Applications Branch to the appropriate Group Art Unit and to the custody of the Patent Examiner of record; and this substitute document is to be used by the Patent Examiner of record during the substantive prosecution of this application.

Respectfully submitted,

HAROLD M. SWARTZ
WILLIAM F.B. PUNCHARD
PIOTR M. STAREWICZ
TADEUSZ M. WALCZAK

Date: August 10, 2004
P.O. Box 5387
Magnolia, Massachusetts 01930
Tel.: (978) 525-3794

By: David Prashker
David Prashker
Reg. No. 29,693
Attorney for applicants

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Attorney for Applicants:

David Perashken

Signature:

David Perashken

Date:

August 10, 2004

REPLY TO NOTICE OF INCOMPLETE REPLY
(NONPROVISIONAL)

Commissioner for Patents
P.O. Box 1450
Mail Stop: Missing Parts
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice Of Incomplete Reply (NonProvisional) as mailed July 30, 2004 as well as the prior Notice To File Missing Parts Of NonProvisional Application filed Under 37 C.F.R. 53(b), Filing Date Granted as originally mailed March 11, 2004, and now extended through August 11,

2004 for the above-identified application, applicants and their undersigned attorney respectfully separately enclose and hereby formally submit a second complete Replacement Drawing constituting Figures 1-31 respectively.

Applicants also respectfully present the following remarks as a matter of formal record concerning the substance of the instant Notice Of Incomplete Reply (NonProvisional). Applicants' undersigned attorney has noted that the statement of defect as given in the instant Notice Of Incomplete Reply (NonProvisional) is identical to that previously alleged in the original Notice To File Missing Parts Of NonProvisional Application filed Under 37 C.F.R. 53(b), Filing Date Granted mailed March 11, 2004. The alleged defect is stated in the following words:

"...The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e))...."

Applicants' undersigned attorney affirms that he does not understand the rationale or nature of this statement; and respectfully submits that the alleged defect has no underlying basis in fact.

As an enclosure to the previously submitted Reply mailed July 6, 2004 to the original Notice To File Missing Parts Of NonProvisional Application filed Under 37 C.F.R. 53(b), Filing Date Granted mailed March 11, 2004, applicants presented a Replacement Drawing constituting Figures 1-31. All the figures of this previously submitted Replacement Drawing were laser

quality images; and all the figures were printed on photographic quality paper. The photographic quality paper employed was in fact flexible, strong, white, smooth, non-shiny, and durable - as required by 37 C.F.R. 1.84(e). The previously submitted Replacement Drawing was therefore in full compliance with 37 C.F.R. 1.84 and 1.121 at the time it was mailed to the U.S. Patent Office on July 6, 2004.

Now, in the instant Notice Of Incomplete Reply (NonProvisional) mailed July 30, 2004, the same defect in precisely identical wording is again alleged to be present. Again, the sole problem is stated as being that the Replacement Drawing submitted July 6th is allegedly not electronically reproducible because of poor paper quality. Applicants' undersigned attorney find this stated reason to be unreasonable and irrational; and, furthermore, believes that this statement of alleged defect and reason for non-acceptance of the Replacement Drawing is erroneous and without any factual support - because the original Replacement Drawing was presented on photographic quality paper which was in fact flexible, strong, white smooth, non-shiny and durable. Why the personnel at the U.S. Patent Office found the photographic quality paper figures of the Replacement Drawing not to be electronically reproducible is beyond imagination; and how the personnel at the U.S. Patent Office could find the photographic quality paper figures of the Replacement Drawing not to be flexible, strong, white, smooth, non-shiny and durable is inconceivable.

Nevertheless, owing to the very existence and nature of the instant Notice Of Incomplete Reply (NonProvisional) mailed July 30, 2004, applicants are legally obligated to respond, legally and substantively. For this reason alone, and with the additionally imposed cost of obtaining a further extension of time for filing a reply, applicants hereby enclose a second complete Replacement Drawing which is believed to be in full compliance with the requirements of 37 C.F.R. 1.84 and 1.121. Applicants have taken extra effort to be sure that this second complete Replacement Drawing is electronically reproducible; and that the Figures 1-31 respectively are presented on quality paper which is flexible, strong, white, smooth, non-shiny and durable. A copy of the Notice Of Incomplete Reply (NonProvisional) mailed July 30, 2004 is also enclosed as requested.

Respectfully submitted,

HAROLD M. SWARTZ
WILLIAM F.B. PUNCHARD
PIOTR M. STAREWICZ
TADEUSZ M. WALCZAK

Date: August 10, 2004
P.O. Box
Magnolia, Massachusetts 01930
Tel.: (978) 525-3794

By: David Prashker
David Prashker
Reg. No. 29,693
Attorney for applicants

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Attorney for applicants: David Trasken

Signature: David Trasken

Date: August 10, 2004

SECOND REPLACEMENT DRAWING SUBMITTED IN COMPLIANCE WITH
37 C.F.R. 1.84 and 1.121

Commissioner for Patents
P.O. Box 1450
Mail Stop: Missing Parts
Alexandria, Virginia 22313-1450

Dear Sir:

The Notice Of Incomplete Reply (NonProvisional) mailed July 30, 2004, as extended through August 11, 2004, states that the original



Replacement Drawing submitted July 6, 2004 is not acceptable for specifically stated reasons; and that another Replacement Drawing in compliance with 37 C.F.R. 1.84 and 1.121 respectively is required.

Accordingly, applicants' undersigned attorney hereby encloses and respectfully submits a second complete Replacement Drawing constituting Figs. 1-31 respectively for the instant application. This second complete Replacement Drawing corrects all the alleged defects; and is believed to be in full compliance with 37 C.F.R. 1.84 and 1.121 respectively.

Respectfully submitted,

HAROLD M. SWARTZ
WILLIAM F.B. PUNCHARD
PIOTR M. STAREWICZ
TADEUSZ M. WALCZAK

Date: August 10, 2004
P.O. Box 5387
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David Prashker
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Attorney for applicants



AUG 12 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

IFW

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/731,552	12/08/2003	Harold M. Swartz	RR1-001

David Prashker
DAVID PRASHKER, P.C.
P.O. Box 5387
Magnolia, MA 01930

CONFIRMATION NO. 4570

FORMALITIES LETTER



OC000000013386091

Date Mailed: 07/30/2004

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 07/08/2004 to the Notice to File Missing Parts (Notice) mailed 03/11/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- o Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 3A-3E, 15A-15C, 16A-16C, 17A-17C, 21A-21D, 22, 23A-23D, 27B, 28A-28B, 29A-29D and 31A-31D.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

M. Beane
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE